P24

R. 7. 4-95.

G. R. S. IX-5]

*Previous references.*

Annual 8-94 Sb 182

1894-95

~~191~~ .

(Municipal)

File No. 14-95

Serial Nos. 1 to 14

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

---

*Serial Nos.* 1 to 14

**Part B for** January 96

---

SUBJECT.

Fishing in tanks in Mysore City

---

Indexed

W D 88—GPB—50,000—24-7-16

was presented by these people
was in Mysore - letter is it?
of V.H.R.
1/7/95

3227 9/94
Sen Book of Inward
on 11/6/95 ~~10-95~~ 14-9/4
In R Bo 41

The previous petition presented
this office was sent to ms S.
court for reference being
stop on 15/6/95 to Mysore.
9
7/95

Submitted
Dy 6/7/95

L 4475

Gen Serial No. 8201

195

To

me of P

Sudra, Tessira
and other Besters residing
at Lashkar and Krishna
-raj Mohalla at Mysore

a.

Taluk

District.

Date of Arzi. 10 - 5 - 95

Date of Receipt. 17 - 7 - 95

Date of Disposal

No. of Enclosures.

Abstract.

State that they used to maintain
themselves by fishing in the large
tank at Mysore and on the land
they held in the Palace - that
they have been enjoying the privi-
-ilege of fishing in the above tank
from time immemorial -
that the Municipal authorities
have now prevented them from
fishing in the above tank -
Pray that orders may be issued
permitting them to fish in the
above tank in conformity with
the long standing usage -

3/

Put up municipal
Reg no.
8/7 DP

Under section 164 and
166 of the municipal regu-
lations the Board have
the power to conserve all
public banks which vest
in them under the former
section. The petition may be
rejected.
8/7 DP

The question is not whether they
have or not the power but whether
the power has been rightly used.
We may ask the Dist for
brief statement of the facts
8/7
DP

Put up draft as per Gen. Secy
order.
7 DP

Mysore

Rd. 8th Dec. for reply being put up 24-9-95

2

Bye-Law in Cantonment

and proposed Bye-law of the adjacent City municipality in regard to fish licenses are put up. The previous Petition said to have been submitted to "Oddalghesme" has not been received in the Branch

9/9/95 13/6/95

4 & 5/9/95

577

Sir

Petition No 4 8 D/ 10/5/95, which is now stated by the Petn Dept as having been received at Colaramane and sent from D. H. Q. on 17/9/95, has been forwarded to the President of the adjacent City Mcty for a brief statement of the facts. They may also be forwarded in continuation.

Submitted with draft.

DRG

Gen. Serial No. 32.]

1895

No. 3277

Name of Petitioner. Yejiman Kala Dasiah an of Boya caste resident Mysore

Village.

Taluk.

District.

Date of Arzi. 5 - 5 - 95

Date of Receipt. 7 - 5 - 95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Petitioner that the right of fishing in the Lake tank at Mysore is hereditary & that they have been exercising that privilege by following the profession in which capacity they are, & having been in the habit - that last a Board was put on the tank by the Municipality, forbidding fishing in the said tank - that the Petitioners then previous to the Presidt the Municipality waited the Dy. Comr. who was informed that the Honorable the Municipality had withdrawn the Board - that petitioners presented a petition to the Comr - that the Comr had ordered to issue an order to the Municipality that the Lake tank the water of which is not drinking one to be used - that they, being in the habit

[illegible]

Court fee stamp affixed

1

2

3

5-6-95

5

4

742 Crime Petition
74-95

MYSORE DEWAN'S OFFICE,

~~PETITION DEPARTMENT.~~

Local Boards Branch

L 154

Section Journal.
No. 14-94
Sl. No. 3

OFFICIAL MEMORANDUM.

The accompanying Petition No. 48 / L 4475
dated 10 May 1895 received at the
Dewan's Office from Guli Siddia,
Tippia & other Peytars
residing at Lakkur &
Krishnaraj Mohallas in
the Mysore City requesting
permission to fish in the
Doshore tank as heretofore
is forwarded, ~~together with its~~
~~enclosures~~, to the President,
Mysore City Municipal
Corporation for a
brief statement of
the facts

By order,

for Chief Secretary

BANGALORE,
15 July 1895

M G C.P B —20-2 95—1,000

No. 1853
W 14-95

MYSORE DEWAN'S OFFICE,

~~PETITION DEPARTMENT.~~
Local Boards Branch

---

OFFICIAL MEMORANDUM.

The accompanying Petition No. P3277 dated 5th June 1895 received at the Dewan's Office from Yejman Kala Dasaia and others of Bovji caste residing at Mysore requesting permission to continue fishing in Dodkere tank as heretofore

— is forwarded, together with its enclosures, to the President of the Mysore City Municipality for a brief statement of facts, in continuation of this office Memorandum dated 15th July 1895 No. 7462
W 14-95

By order,

Bangalore, for Secretary / Chief Secretary

The 189

M.G.C.P. B — 20-2-96—1,000

Note for General Secretary

The Dy Comr may be instructed to issue an endorsement to petitioners that Govt decline reopen the case. The Chief Court judgment may or may not be right, but the proper course for the Board in such cases is to proceed under Sec 166 of the Municipal Regulations and prosecute offenders for polluting the water. The Tank belongs to the Board under 164 and under 166 whoever "does anything whatsoever whereby any such water shall be in any degree fouled or corrupted shall be liable to a penalty not exceeding 50 Rs for each offence".

Initd 7/8/95

This note refers to the D/Comrs Report No 67 92-8-95.

To Mr V. Comrt Dept 7-8-95

Petition Branch

Please put up to

40 dy 23.11.94
H.O.
Sec.
3/8/95.

Sir Every endeavor has been made to trace the order of 30/10/94 called for by the 1st Councillor, but in vain

~~Draft 10/8/95~~ (2) There is no bage law in force in Mysore. Under Secs 164 & 166 of the Municipal regulations, ~~the tanks belongs~~ the Board have the power to conserve all public tanks, which vest in them

~~Draft 10/8/95~~ Submitted

1st Councillor
Dewan
17/8

1895: 1027

From The President
Mysore City Municipality

L. 302

To The General Secretary to the Government of Bangalore

Dated 2nd
Despatched 3rd August 1895.
Received
General No. 6 } 1895:

Enclosures—Number. one

Reporting on the fishing in the Doddakere tank in the town of Mysore.

To the Sanc No 2365 dy 17/8/95

Dewan
14-9-95

AHRD
6/8/95-

The Sal adm q 30 Jun/94 is not put up Let me see it

Is fishing allowed & a license is obt from Govt under the Rules

Reference 8/95 AHRD

no 67
En no one.

Mysore City Municipal
President's office Mysore.
dated the 2nd August 1895.

From,

The President-
Mysore City Municipality.

To.

The General Secretary to the
Government of Mysore.
Bangalore.

Sir,

With reference to your official memo no 742 / L.F. 4.95. dated the 15 July 1895, calling for a report on the petition of Guli Sidda and others about fishing in the Doddakere tank in the town of Mysore, I beg to state as follows.—

2. The petitioners used to catch fish in the said tank, but on receipt of Government order no 40 D.F.O of the 30th November 1894, fishing in all the tanks in Mysore was prohibited and notice boards to that effect fixed. It is against this that the petitioners have now complained. While on this subject I beg to state that when certain persons did fish in the said Dodda-

-kere

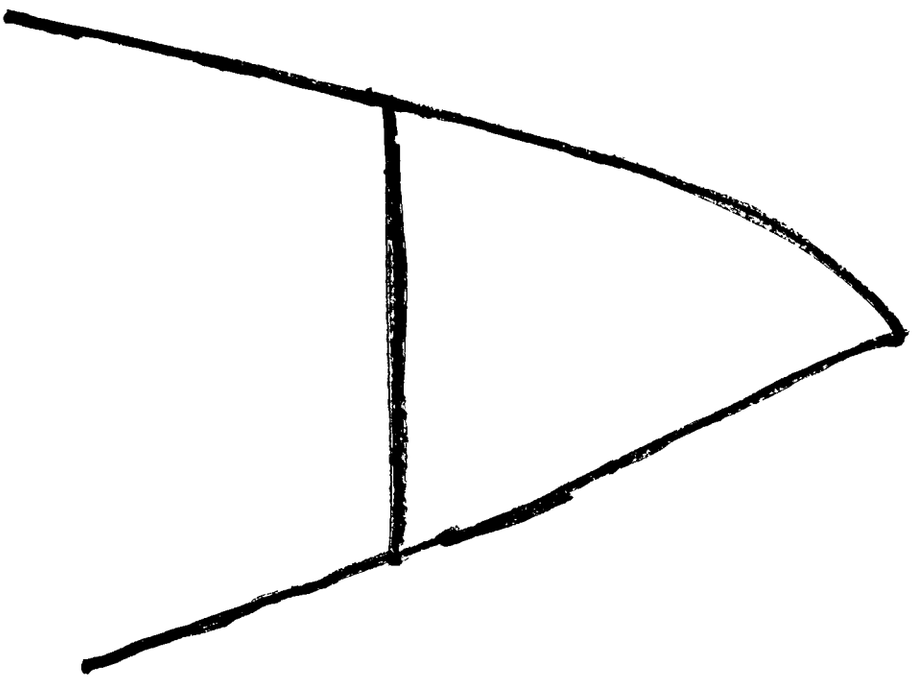
are liable notwithstanding the prohibition and the City Magistrate of Mysore convicted them of theft; the Chief Court quashed the conviction on the ground that the fish caught could not be said to have been in any body's possession. I therefore beg to know what should be done if the fishing be repealed.

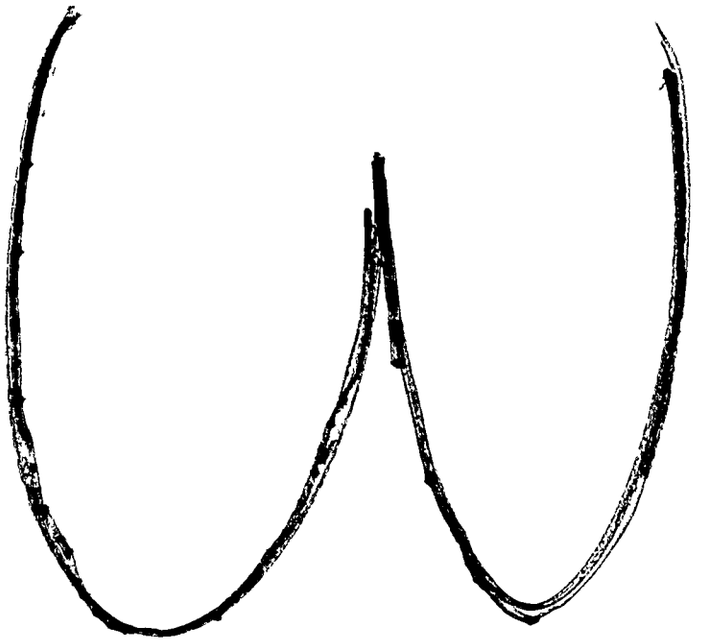
3. The petition under report is enclosed.

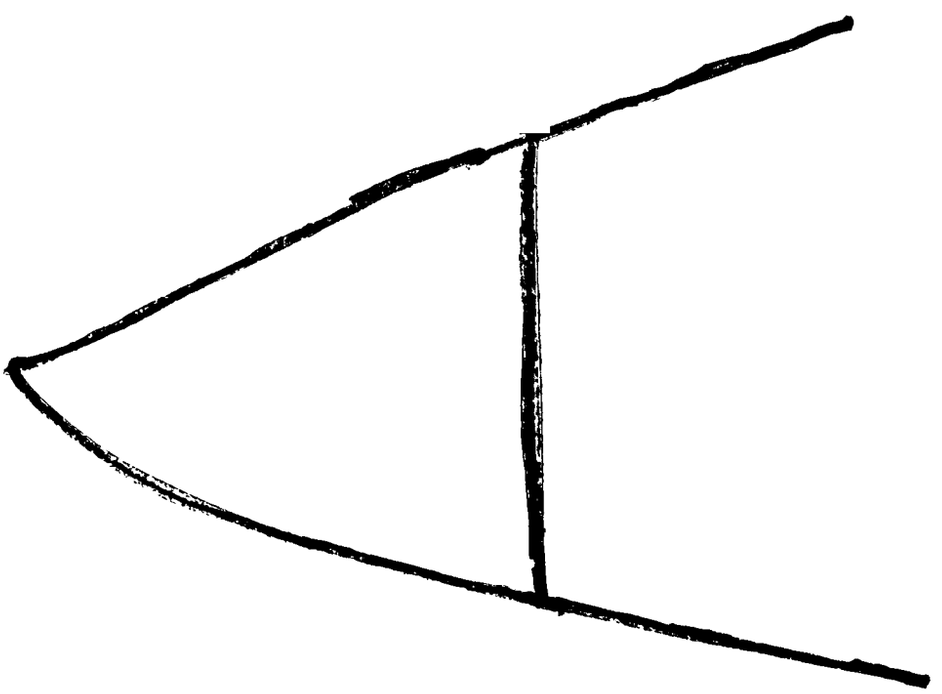
I have the honor to be
Sir
your most obedient servant

K. V. Subbarayan
President
Mysore City Municipality.

mm







(1.)

Annual
18-94
6
R 2494

To,

The ~~Dy Comr~~ President

Mysore City Mul Bd

2305
L7:4-95 — 9/7/95 — Your No 1522. dated 28/8/95 —

Hons letter dated 2nd August 1895 No 67 stating with reference to the official memorandum of Govt dated 15th July 1895 No ~~D 30 O~~ 74 L.24.95. that fasalang in all the taluks in Mysore was prohibited on receipt of Govt order dated 30th November 1894 No 40 D.H.O

---

With reference to the above has the honor to request that the President will be so good as to forward to this office ~~early~~ a copy of Govt order dated 30th November 1894 No 40 D.H.O

By order

15/9/95 J.P.

for General Secy

*From*

*To*

*Dated*

*Despatched*

*Received*

*General No.*

*No.*

*Enclosure No.*

(14)

Gen. 30.1

the copy of D. H. O. order called
in obedience to the 1st communication
on Personal etc 1027 of 21/8/95
received and submitted for order.
J 30/8/95.

Put up draft declining to recon-
sider the previous orders on the
subject

JP.
30/8/95

Draft Endorsement is submitted
accordingly But definite orders have
to be passed on all some Precedents etc
dated 2nd August 1895 in which he
asks for definite instructions
Dft J 30/8

Submitted to Gen. Secretary I have
submitted many suggestions as
regards the enforcement of the
orders in my note of the 7th
instant

30/8 JP

Mysore
14-94
7

To
The 1st Comm
Mysore
8/9

a copy of the Order
the CC has not been
submitted, nor has the
Court given a clear statement
of the facts of that case. The legality
of that decision cannot be questioned & 2nd appeal
should a similar question arise again
the Court may refer it for
instructions — when the Commr
of the Sat Adv will be allowed
to accompany and such action as may
be deemed proper taken 4/9 Dft

1895

OFFICE OF THE
17 5-
30. AUG. 1895
5-20
DEWAN OF MYSORE.

From The Resident
Mysore City Municipality

To The Chief Secretary to the
Govt. of Mysore.

Dated 28th August 1895.
Despatched
Received

Enclosure No. 1

General No. 118
No.

Forwarding copy & translation
of Order no. 40 & 30/11/94
prohibiting fishing in all
the tanks in Mysore

L7-

References to be marked.

(14)

no 118

Cir no one

Mysore City Municipal
President's Office Mysore.
dated the 28 August 1895.

M 3078

From,

The President of the
Mysore City Municipality

To,

The General Secretary to the
Government of Mysore.

Sir,

As required in your docket no $\frac{2375}{L.F.4-95}$
dated the 17th August 1895, I beg to sub-
-mit herewith a copy of the Government
order no $\frac{40}{D.F.O.}$ dated the 30th november
1894, prohibiting fishing in all the tanks
in Mysore.

I have the honor to be
Sir,
your most obedient servant

[signature]

President.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Order no: 40 / D H C dated Camp Mysore, 30th November 1894.

1 Fishing in tanks, in Mysore City, is strictly prohibited. The prohibition should be duly recorded, and enforced by the Deputy Commissioner

2. The acquired catchment area of Kukkerhalli tank, should never again be given out for private occupation, nor should any gravel or other pits be allowed in this area, under any circumstances whatever.

3. List of open spaces at the disposal of the Municipality, or the Government within Municipal limits, which are required to be kept as open public grounds, should be duly maintained.

Signed C. Seshagiriyaswaranna
for Chief Secretary

"Copy"
[illegible]
President of the
Mysore City
Municipality

3323 97/9/95

L 4-4/95

QL No 672

MYSORE DEWAN'S OFFICE,
L & R
PETITION DEPARTMENT,

189

Endorsement granted to Yejman Kaladasaia & others of Boyi caste residing at Mysore,

in reply to their Petition Registered No. 3277 dated 5th June 1895,
L 4198

soliciting ~~permitting~~ orders ~~for~~ them to fishing in the Doddakere tank, Mysore

Petitioner is informed that Government decline to reconsider ~~the~~ ~~reconsorders on~~ ~~their subject~~ ~~reconsorders~~

Received
14-94
8

"By Order"

for General ~~Chief~~ Secretary.

M. G. O. P. Bangalore—6-8-94.—2000.

No. 3323.
x 7. 4-95.

MYSORE DEWAN'S OFFICE,
Local Boards Branch.
~~PETITION DEPARTMENT,~~
9th September 1895

Endorsement granted to Yejmaan Kaladasaia and others of Boja caste, residing at Mysore, - - - - - -

in reply to their Petition Registered No. 3277 / x 4198 dated 5th June 1895, soliciting orders permitting them to fish in the Doddakere tank, Mysore city. ———

Petitioner is informed that Government decline to reconsider their previous orders in the matter. ———

"By Order"

For General Chief Secretary.

Comp VK

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

C D 87

Read.—

Correspondence ~~regarding~~ with the
No. 67 of 2nd April 95 from
letter 28th August 1895 No 118 from
the President of the Mysore
& Coorg
City municipality in regard to the
prohibition to fish in the Dodakere
and other tanks in the City of Mysore

—·—

Order thereon

Print. Received
in Entries 14-9-95
9

Q/No 717

3498-508 9/11/95

L/ 4/95

M.S.S Copy is sent to President Mysore on 11/9/95 Sen 11/9/95

Advertising Para 1 of the first of the letters read above the Govt will be informed that an Enq has been granted to the Peter that Govt decline to entertain the case.

With regard to the ruling of the Chief Court to which the Govt the facts of the case stated are not known Govt can have

A copy of the ruling of the Court has not been submitted for information to the President of the Municipality, nor has he given a clear statement of the facts of the case referred to by him. The legality of a Chief Court's decision cannot be questioned by the Government in its executive capacity. Should however, a similar question arise hereafter, and the prosecution fails the Govt the Chief Comr may refer the matter for opinion, when the opinion of the Govt Advocate will be obtained if necessary and so

Govt 8/9

action as may be deemed proper taken.

WM.
7-9-95

5/9/95 W.
Jno. H. General Secy

D. A
Suttd.

To,
The President of the
Mysore City mty
" Fred Humphreys
" Thos Z Otis
" Neb Cal

Press copy made
9/9

*Proceedings of the Government of Mysore, Local Boards Branch, Municipal, dated 11th September 1895.*

READ:—

Letter No. 67, dated 2nd August 1895 and No. 118, dated 28th August 1895, from the President of the Mysore City Municipality with enclosure.

With reference to your official Memo No. 742—L. F. 4-95, dated the 15th July 1895, calling for a report on the Petition of Guli Sidda and others about fishing in the Doddakere tank in the town of Mysore, I beg to state as follows.—

2. The petitioners used to catch fish in the said tank but on receipt of Government order No. 40—D. H. O of the 30th November 1894, fishing in all the tanks in Mysore was prohibited and notice boards to that effect fixed It is against this that the petitioners have now complained. While on this subject I beg to state that when certain persons did fish in the said Doddakere tank notwithstanding the prohibition and the City Magistrate of Mysore convicted them of theft, the Chief Court quashed the conviction on the ground that the fish caught could not be said to have been in any body's possession. I therefore beg to know what should be done if the fishing be repeated.

3. The petition under report is enclosed.

---

Letter No. 1188, dated 28th August 1895, from the President of the Mysore City Municipality.

As required in your docket No. 2375—L. F. 4-95, dated the 17th August 1895, I beg to submit herewith a copy of Government Order No. 40—D. H. O., dated the 30th November 1894, prohibiting fishing in all the tanks in Mysore.

Order No. 40—D. H. O., dated Camp Mysore, 30th November 1894

1 Fishing in tanks in Mysore City is strictly prohibited. The prohibition should be duly recorded, and enforced by the Deputy Commissioner.

2. The acquired catchment area of Kukarhalli tank should never again be given out for private occupation, nor should any gravel or other pits be allowed in this area under any circumstances whatever.

3. List of open spaces at the disposal of the Municipality, or the Government, within Municipal limits, which are required to be kept as open public grounds, should be duly maintained.

---

No. 3498-508—L. F. 4-95, DATED, BANGALORE, 11TH SEPTEMBER 1895.

ORDER THEREON.—Adverting to para 1 of the first of the letters read above the President will be informed that an endorsement has been granted to the petitioners, that Government decline to re-consider the case.

With regard to the ruling of the Chief Court referred to by the President the facts of the case quoted are not before Government, nor has a copy of the ruling or decision of the Court been submitted for information. The legality of a Court's decision cannot be questioned by the Government in its executive capacity. Should, however, a similar question arise hereafter and the prosecution fail, the President may refer the matter for instructions when the opinion of the Government Advocate will be obtained, if necessary, and such further action as may be deemed proper, taken.

V. N. NARASIMMIYENGAR,
*General Secretary.*

To—The President of the Mysore City Municipality.
The President, Bangalore City Municipality.
The Deputy Commissioners of Districts.
The Registrar, Chief Court.

1895-96

# GOVERNMENT OF MYSORE

LOCAL BOARDS BRANCH, MUNICIPAL

PROCEEDINGS

Dated 11th September 1895

No. 3498-508 / L. F. 4-95

Passing orders in regard to fishing in the Doddakere tank in the town of Mysore.

M.G.C.P.B.—21-9-95—12

(19) 1895 - L 17324

Annual
14-94
10

File
28
4H3/1/12

No. 2153.

Name of Petitioner, Yejuman Kaladasaiya and others of the Boyi caste

Village, Residing at

Taluk, Mysore

District, Mysore

Date of Arzi, 23-9-95

Date of Receipt, 17-12-95

Date of Disposal,

No. of Enclosure, 1.

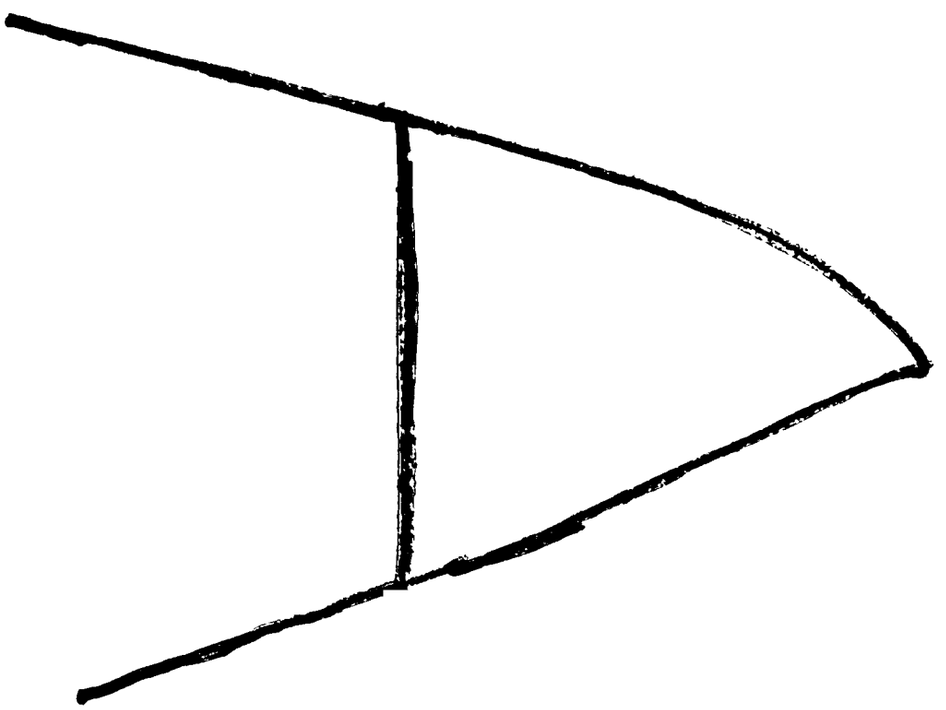
ABSTRACT.

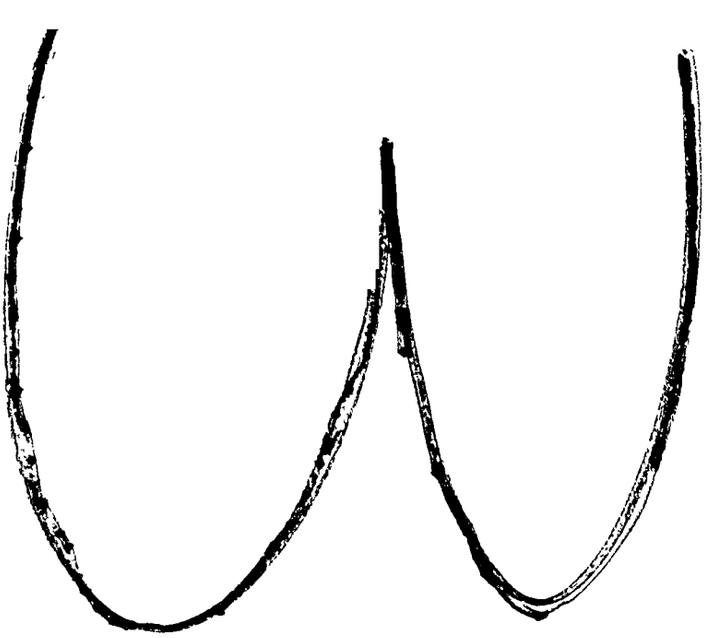
Praying for a reconsideration of Govt order conveyed in this office endt No 3323/L 34-95, and soliciting permission to fish in the Doddakere tank at Mysore, as per manual.

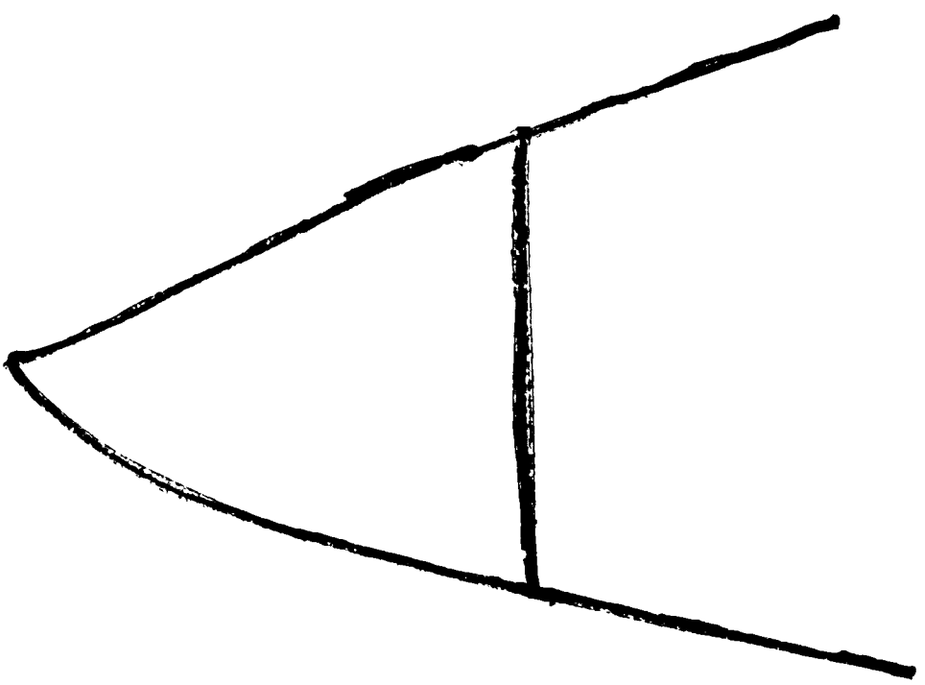
To the Local Fund Branch

P.L.A. 20/12. 20/12

Submitted for orders with reference. DHJ 26/12/95.







(General Serial No. 30)

3009.

1895-96

L 878

From

The Registrar of the

Chief Court of Mysore.

To

The ~~Chief~~ Secretary

to the ~~Dewan~~ of Mysore.

Dated 16

Despatched 18 October 1895

Received

**Enclosures No.** one

General No. 1785

No. 91

Forwards for the information of Govt Copy of orders passed by this court in Revn Case No 150 of 1894-95 referred to in Govt Proceedings No 3498-508 / L. Dis 4-95 dated 11 Septr. 1895.

L 4

18.10.95

Submitted [illegible] 18/10/95

Central Jail Press, Bangalore.—25-4-94.—500.

Bangalore 16th October 1895.

From

The Registrar of the
Chief Court of Mysore

To

The General Secretary to the
Government of Mysore.

Sir,

With reference to the Proceedings of Government No. 3498-508 L.F. 4-95 dated 11th September 1895, passing orders in regard to fishing in the Doddakere Tank, in the Town of Mysore, I am directed to forward for the information of Government, copy of the order of this Court, referred to in the above Proceedings.

Revision Case 150 of 1894-95.

I have the honor to be,
Sir,
Your most obedient Servant,

Registrar.

fb

In the Chief Court of Mysore at Bangalore.
Wednesday the 17th day of July 1895.

Present.

A. Ramachandra Iyer Esquire, Judge
and
C. Meenakshaya Esquire, Judge.

Revision Case No. 150 of 1894-5.

In the matter of the conviction of Poolla, Accused in Criminal Case No. 340 of 1894-5, on the file of the City Magistrate of Mysore. (Charge under Section 379, Indian Penal Code.)

Order

C. Meenakshaya Esquire:- I am of opinion that the conviction in this Case, is illegal. The accused was convicted of theft of fish which he had caught in the Karanjee tank, Mysore. The offence of theft consists in the dishonest removal of property "out of the possession of any person" without

without that person's consent - and it cannot be said that the fish in this tank was in the possession of the Municipality, at whose instance, the prosecution appears to have been instituted. The fish were not specially reared and preserved in the Tank, and the Tank was not so enclosed as to prevent the fish from leaving it when it surplussed during the Monsoon. I would quash the conviction. I am supported in this view, by I. L. R. 5. Madras, page 390.

A. Ramachandra Iyer Esquire :- There was no evidence in the case except that the Municipality had affixed a notice prohibiting people from catching fish in the tank. This fact alone was not sufficient evidence to prove that fish in the tank belonged to the Municipality, and was in

in their posession. The sentence having been executed, it is sufficient to point out the error to the Magistrate

A true copy.
D Rajalakshmi
Registrar.

the removal
[illegible] contents
[illegible] of his
[illegible] profit [illegible]
[illegible] Mysore

21/10/95

Read:- (19) 1895

Letter from the Registrar of the Chief Court of Mysore, dated 16th October No. 1785/91, forwarding with reference to Govt Pro of 11.9.95 No 8498-508/L94-95, a copy of the Order passed by the Chief Court in the matter of the conviction of Puttah charged with theft of fish, which he had caught in the Karanjee tank, Mysore city municipality

Judicial 14-94 12

RL Pro 981

Order thereon

4639/L94-95 *

Dated Bangalore 25 October 1895

* Here are file of papers to Govt Advocate. (to be returned when no longer required)

The papers connected with the above are forwarded to the Govt Advocate for favour of

of his opinion

in the matter.

23/10/25 JL

Da General Secretary

DPJ 2/3/10

To the Government

Advocate

Dangalore

Circuit Agreements Mysore

(General Serial No. 30.)

- 189

OFFICE OF THE
1933.
18. DEC 19
LEWANDO
L1668

This may be
consd both by Govt —
If a similar question
arises the ant fat
adv may be instructed
to withdraw the case

AM
11/12

Recd
14-94
13

From The Asst Government Agent in Mysore

To The Chief Secretary to the Govt. of Mysore.

Dated 17th December 1895

Despatched

Received

No. Enclosures No. 1 File

General No. 78

No. 78

Submitting opinion in the matter of the Criminal Case of Putta Charge with theft of fish, caught in the Karanje tank, Mysore City Municipality.

L4

₹ 18/14/95

File charges is not put up to Govt 19/12

This is in reply to a reference made under orders of the 1st Councillor

Submitted

Assistant Govt Advocate's Office
17th December 1895

No 78.
Encls 1 File

From

The Assistant Govt Advocate
in Mysore.

To

The General Secretary to the
Government of Mysore

Sir,

With reference to Government
Proceedings Order No 4639, dated
L.F. 4-95
25th October 1895; I have the honor
to state that under Section 164 of
the Municipal Regulation No III
of 1888 all public lands shall be
vested in & belong to the Commissioner
The removal of any of the contents
of the Tank mentioned

or Consent of the Commissioners
is theft under Section 379. Indian
Penal Code. Under Section 225
of the Municipal Regulation A
will be Lawful to the Commissioners
to make Bye-Laws for carrying
out any of the purposes of these
Regulations & penalty for any
infringement of such Law is provided
for. Fishing in Mysore Tanks
is Strictly prohibited as per
Order No. 40, dated Camp
Mysore, 30th November 1894,
and the Mysore Bye-Law No. 64
which is as follows:-

Fishing in the Public Tanks &
Wells within the Municipal limits
without a License from the President

" is Strictly prohibited. Any one
" infringing the Bye-laws shall
" be liable to a fine not exceeding
" Re 1 for the first Offence, and
" Rs 2 for each subsequent Offence

The Chief Court in its
Revision Case No 150 of 1894-
95 has in my humble opinion
erred in quashing the Conviction
of Putta Accused in Criminal
Case No 3407 of 1894-95 on the
file of the City Magistrate of
Mysore. The decision was
passed on the strength of a case
reported in page 390 I.L.R
V Madras. This case is distinguish-
able from the Case in question.
The Conviction in

Case was for the wrongful taking of fish from a Creek, which decision referred to the Proceedings of the Judicature of the High Court of Madras, dated 23rd October 1878, No. 1759 & 7331 by which the Convictions & Sentences for catching fish in the ordinary open irrigation tanks was quashed. In these cases the Creeks & open irrigation tanks were not vested in the Municipal Commissioners as in this Case for the purpose of Conservancy & therefore the decisions in these Cases do not apply to the Case in question.

I had no notice from the
Chief Court in the said Revision
Case. If a similar question arises
and if I get a notice from the
Chief Court or if I am informed
by the District Magistrate that
the Proceedings are sent for, by the
Chief Court I shall support
the Convictions for reasons above
Stated.

The file of papers received
with the case above is herewith returned

I have the honor to be
Sir
Your most obedient Servt.

S Ramanathan
Assistant Govt Advocate

Print in full

Read:-

No 78 Letter dated 17 December 1895 from the Assistant Government Advocate

7535-43 97/1/96 Order thereon

I & S

2/174-

Issued 14-94 14

The letter read above will be communicated to the Dy Comm of ~~the Bangalore~~ Districts ~~and Presidents of Municipalities~~.

2. If a similar question arises, the President of the Mysore City municipality should instruct the Assistant Government Advocate to support the conviction

3/1/96 JP
for General Secy

To

The Assistant Govt Advocate

Dy Comm of Districts ~~must be forwarded to~~ ~~of the several districts in~~ Mysore

*Proceedings of the Government of Mysore,*
*Local Boards Branch, Municipal, dated 7th January* 1896.

READ :

Letter dated 17th December 1895, No. 78, from the Assistant Government Advocate.

With reference to Government Proceedings No 4639—L. F. 4-95, dated 25th October 1895, I have the honor to state that under Section 164 of the Municipal Regulation No. III of 1888, all public tanks shall be vested in, and belong to, the Commissioners. The removal of any of the contents of the tank without the permission or consent of the Commissioners is theft under Section 379, Indian Penal Code. Under Section 225 of the Municipal Regulation, it will be lawful to the Commissioners to make Bye-laws for carrying out any of the purposes of these Regulations and penalty for any infringement of such law is provided for. Fishing in Mysore tank is strictly prohibited as per Order No. 40. dated, Camp Mysore, 30th November 1891, and the Mysore Bye-law No. 64, which is as follows —

"Fishing in the public tanks and wells within the Municipal limits, without a license from "the President, is strictly prohibited. Any one infringing the Bye-laws shall be liable to a fine "not exceed ng Re. 1 for the first offence, and Rs 2 for each subsequent offence."

The Chief Court in Revision Case No 150 of 1894-95 has, in my humble opinion, erred in quashing the conviction of Putta, accused in Criminal Case No. 340 of 1894-95, on the file of the City Magistrate of Mysore. The decision was passed on the strength of a case reported in page 390, I. L. R. V., Madras. This case is distinguishable from the case in question. The conviction in the Madras case was for the wrongful taking of fish from a creek, which decision referred to the Proceedings of the Judicature of the High Court of Madras, dated 23rd October 1878, No. 1759 and 7331, by which the conviction and sentences for catching fish in the ordinary open irrigation tanks was quashed. In these cases the creek and open irrigation tanks were not vested in the Municipal Commissioners as in this case for the purpose of conservancy, and therefore the decisions in these cases do not apply to the case in question.

I had no notice from the Chief Court in the said Revision Case. If a similar question arises, and if I get a notice from the Chief Court, or if I am informed by the District Magistrate that the Proceedings are sent for by the Chief Court, I shall support the convictions for reasons above stated.

The file of papers received with the above is herewith returned.

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No. 7535-43—L. F. 4-95, DATED, BANGALORE, 7TH JANUARY 1896.

ORDER THEREON.—The letter read above will be communicated to the Deputy Commissioners of Districts.

2. If a similar question arises the President of the Mysore City Municipality should instruct the Assistant Government Advocate to support the conviction.

V. N. NARASIMMIYENGAR,
*General Secretary.*

To—The Assistant Government Advocate
The Deputy Commissioners of Districts.

1895-96

# GOVERNMENT OF MYSORE

LOCAL BOARDS-BRANCH, MUNI IPAL

PROCEEDINGS

*Dated 7th January* 1896

No. 7535-43 / L.F. 4-95

Communicating to Deputy Commissioners of Districts the opinion of the Assistant Government Advocate that the removal without the permission or consent of the Commissioners of any of the contents of a public tank vested in a Municipality is theft under Section 379 of the I. P. C.

M.G.C.P.B.—18-1-96—120